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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 2876

MICHAEL J. SMITH et al.

Examiner: S. Paik

Serial No.: 09/825,912

Filed: April 4, 2001

For: CENTRALIZED ELECTRONIC SAFE AND ACCOUNTING
CONTROL SYSTEM

Attorney Docket No.: FIRE 0111 PUS

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is reply brief in response to the Examiner's Answer mailed on June 10, 2004.

Appellants maintain the arguments stated in the appeal brief. Appellants further clarify some of these arguments below.

Brooks, Jr. still fails to suggest the claimed safe including a control system that includes a processor programmed to control operation of the electronic lock for the safe as well as operate as a central system controller when connected to at least one other remote safe. Appellants contend that store host computer 43 is not part of a safe, and more particularly is

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June 24, 2004
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Jeremy J. Curcuri
Name of Person Signing

Signature

not a central system controller that is part of a safe, but rather is a separate computer connected to a number of controllers 36. On that note, store host computer 43 does not appear to operate an electronic lock for a safe.

Even using the Examiner's interpretation of the term "safe" which is believed by appellants to be improper, Brooks, Jr. still does not result in a system that meets the required limitations of claim 1. More specifically, deeming establishment subsystem 22 as a safe does not provide a central system controller connected to at least one other remote safe to monitor and accumulate financial and operational information for each remote unit because in such an interpretation of the term "safe" the various units of Brooks, Jr. are all deemed to be part of a single "safe" 22 and there are no other remote safes in communication therewith.

In summary, appellants direct the Examiner's attention to the fact that store host computer 43 is not part of a safe, and more particularly, is not a central system controller that is part of a safe, but rather is a separate computer connected to a number of controllers. In the Examiner's interpretation of the term "safe," there is no monitoring and accumulating financial and operational information for each remote unit as all units of Brooks, Jr. are deemed part of a single "safe."

In response to appellants arguments in the appeal brief, the Examiner states that the rejections should be sustained. The Examiner states that "since each subsystem is identical, any controller 36 of the subsystem can operate as a central system controller (host) within the network." The Examiner has not given any basis for this assertion. First, all previous references by the Examiner to the establishment subsystem are made with reference to establishment subsystem 22. Again, deeming establishment subsystem 22 as a safe does not provide a central system controller connected to at least one other remote safe to monitor and accumulate financial and operational information for each remote unit because in such an interpretation of the term "safe" the various units of Brooks, Jr. are all deemed to be part of a single "safe" 22 and there are no other remote safes in communication therewith. Thus, appellants assume that the Examiner must be referring to the cashier stations 34 contained

within establishment subsystem 22 when stating that "since each subsystem is identical, any controller 36 of the subsystem can operate as a central system controller (host) within the network."

Even assuming that the Examiner is referring to the cashier stations, there is no basis for the assertion that any controller 36 can operate as a central system controller (host) within the network. First, the Examiner has never considered the reference in this light prior to the Examiner's answer. Second, even when considering the reference in this light, the prior art still fails to suggest the invention.

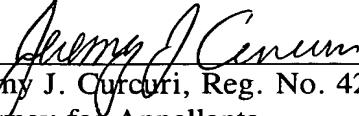
After all, although the cashier may be permitted to operate controller 36, there is no suggestion of controller 36 operating as a central system controller, and there is no suggestion of the claimed invention by Brooks, Jr. in view of Cedergren.

Appellants have made arguments in the appeal brief that address the rejections raised during prosecution. In the Examiner's Answer, the Examiner states that "since each subsystem is identical, any controller 36 of the subsystem can operate as a central system controller (host) within the network" but has failed to provide any basis for this assertion.

For reasons given in the appeal brief and in this reply brief, appellants maintain that the invention is patentable.

Respectfully submitted,

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Date: June 24, 2004

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